IN THE HIGH COURT OF JUDICATURE OF ANDHRA PRADESH AT HYDERABAD

THE HONOURBALE SRI JUSTICE N.V. RAMANA

W.P. No. 27211 OF 2005

Dated : March 10, 2006

Between:

MK Moinuddin

Petitioner

AND

The Regional Manager,

APSRTC, Mahboobnagar Region,

At Mahboobbagar,

Mahboobnagar District and another

Respondents

THE HONOURBALE SRI JUSTICE N.V. RAMANA

W.P. No. 27211 OF 2005

ORAL ORDER:

Seeking a writ of mandamus declaring the action of the respondents in not paying the gratuity amount to the petitioner for the period from 13.2.1978 to 30.91988 i.e. from the date of removal to the date of reinstatement as illegal and arbitrary, the present writ petition is filed.

The petitioner while working as Conductor at Wanaparthy Bus Depot, retired from service of the respondent Corporation. While working as Conductor, the petitioner was removed from service on 31.3.1980, which was assailed by the petitioner in ID No. 207 of 1986 and the Addl. Labour Court, Hyderabad, by order dated 26.05.1988 and ordered for reinstatement into service with continuity of service and with only three increments to his credit, but without back wages and the benefits pertaining to the three increments should be given to the petitioner. Pursuant to this order, the petitioner was reinstated into service on 1.10.1988 and continued till retirement. The grievance of the petitioner is that the respondent – Corporation has not paid him gratuity for the period from 13.2.1978 to 30.91988 i.e. from the date of removal to the date of reinstatement.

The learned counsel for the petitioner submits that the issue involved in this writ petition is squarely covered by decision of this court in *M.Rama Rao Vs. Asst. Traffic manager, APSRTC, Hyderabad and another* () wherein this court held that in a case where under Sec. 11 of the Industrial Disputes Act, 1947, the Labour Court has set aside the order of removal of an employee and directed that the employee be reinstated into service with continuity of service, the management could not deny the payment of gratuity to the employee on his retirement for the period during which he was out of employment as a result of the illegal order of removal.

In the light of the judgment of this court referred to above and the submission of the parties that the decision of this court in the said judgment governs the case, the writ petition is allowed in terms of the judgment of this court referred to above. No order as to costs.

N.V.RAMANA, J.

March 10, 2006

MAS.